



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pauley et al.
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For: RAPID EXPANSION TAMPON PLEDGET
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.132

Dear Sir:

1. I, Keith Edgett, hereby declare and state the following:
2. I am a citizen of the United States. I reside at 95 Willow Grove Mill Road, Middletown, DE 19709.
3. I have been continuously employed by Playtex Products Inc. since 2000 in Feminine Care Research and Development. My current position is Director of Research and Development.
4. Under my direct supervision, a comparative study to measure the dry expansion of tampon pledgets immediately upon expulsion from a tampon applicator

was conducted. Overall, eleven different tampons were tested; three of which are in accordance with the claimed invention.

5. Eight different commercially available tampons were tested by first measuring the tampon applicator barrel diameter at its widest point in two locations along the circumference, with the average reported. It is evident that the tampon pledget housed in each barrel has a diameter, at most, that resembles the diameter of the barrel. Each tampon pledget was then expelled from the tampon applicator via the tampon plunger, as in normal use. Immediately after expulsion, the diameter of each tampon pledget was measured in two locations, with the average diameter reported. The data is summarized in Table 1 below.

Table 1. Commercially Available Tampons

COMMERCIAL TAMPON TESTED	BARREL OD (INCHES)*	PLEDGET OD (INCHES) IMMEDIATELY AFTER EXPULSION FROM APPLICATOR	%DIFFERENCE BETWEEN BARREL OD AND PLEDGET OD AFTER EXPULSION
Tampax Satin®	0.465	0.387	-16.6
Tampax Originals®	0.551	0.498	-9.6
Tampax Pearl®	0.574	0.478	-16.7
Playtex Gentle Glide®	0.556	0.513	-7.8
Playtex Silk Glide®	0.551	0.518	-5.9
Kotex Security®	0.628	0.592	-5.8
O.B. Applicator	0.527	0.511	-3.1
UniCharm	0.509	0.426	-16.3

*As is well known in the prior art, a tampon pledget is typically compressed to an OD that is slightly less than the OD of the tampon applicator to facilitate the loading of the compressed pledget into the applicator barrel. Therefore, it is reasonably assumed that the OD of each pledget housed in the above-tested commercial tampon applicator barrels is slightly less than the measured OD for each barrel tested.

6. As the data in Table 1 clearly demonstrates, each commercially available tampon pledget does not experience dry expansion immediately after expulsion from a tampon applicator. In fact, each of the tampon pledgets tested actually has a diameter

after expulsion that is still smaller than the diameter of the barrel from which it was expelled.

7. Three dry expanding tampon pledgets according to the claimed invention were tested in a similar manner set forth above for the eight commercially available tampons. The results of these tests are summarized in Table 2 below.

Table 2. Tampons According to the Claimed Invention

TAMPON APPLICATOR WITH DRY EXPANDING TAMPON PLEDGET ACCORDING TO CLAIMED INVENTION	BARREL OD (INCHES)	PLEDGET OD (INCHES) IMMEDIATELY AFTER EXPULSION FROM APPLICATOR	%DIFFERENCE BETWEEN BARREL OD AND PLEDGET OD AFTER EXPULSION
Regular	0.563	0.918	+63.1
Super	0.624	0.997	+59.8
Super Plus	0.624	1.036	+66.0

8. As is evident from the data above, dry expanding tampon pledgets of the claimed invention has a dry expansion diameter immediately after expulsion from the applicator barrel of more than 59%, based on the OD of the barrel.

9. As clearly demonstrated by the data set forth above, dry expansion of a tampon pledget is not an inherent property of a tampon pledget, and to the contrary is a unique and novel property found only in the claimed dry expanding tampon pledgets according to the present invention. Moreover, I have reviewed the cited prior art patents, and as best understood, it is my opinion that none of the cited patents disclose or suggest the claimed dry expanding tampon, either explicitly or inherently.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I further declare that these statements are made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 9-2-03

By: Keith Edgett
Keith Edgett
Director of Research and Development